

**Enrolled Minutes of the Seventy-Second Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, October 08, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, October 08, 2018 at 6:42 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and the Public Works Director discussed the timetable for completion of the LaPorte Street gas line replacement project undertaken by Northern Indiana Public Service Company.

The study session ended at 6:58 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, October 08, 2018 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Jared Tauber, Attorney with Tauber Law Office; John M. Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Kathy DeGuilio-Fox, Redevelopment Director; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Kenneth J. Mika, Building Commissioner, were present.

Also present Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Director (Contract) were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 24 September 2018 were approved by general consent.

Special Orders:

1. **Pre-Adoption Hearing of the Revised Proposed Fiscal Year 2019 Budget for the Town of Highland.**

- (a) Verification of Publication: *(Under latest law, no publication by unit in newspaper, just by Department of Local Government Finance online Gateway. The proposed components of budget must be submitted to the Gateway at least 10 days before the Preliminary Hearing. The revised proposed budget notice was filed with the Gateway on September 26, 2018) (See IC 6-1.1-17-3) It was noted that owing to the discovery of an under representation in two funds of the desired appropriations, it was determined to republish and conduct an new hearing on the revised proposed civil town budget.*
- (b) Introduction of **Revised Proposed Ordinance No. 1684**: An Ordinance of Appropriations and Budget Levies and Rates for the 2019 Budget. Councilor Zemen introduced and filed Ordinance No. 1684 as revised. There was no further action.
- (c) **Public Hearing.** The Town Council President opened the public hearing. The following person offered the following inquiry.
 - 1. Larry Kondrat, 8115 4TH Place East, Highland, asked about the changes to the revised proposed budget and sought clarification regarding the meaning of the column in the notice described as "Budget Estimate" and "Maximum Estimated Funds to be Raised". With leave from the Town Council, the Clerk-Treasurer explained that the Redevelopment General Fund and the Cumulative Capital Development Fund were reduced in the first iteration of the notice by the estimated amount of circuit breaker loss. The current iteration corrects this. The Clerk-Treasurer also explained that the column styled as "Budget Estimate" represents the planned spending (appropriations) in the several funds, and the column styled as "Maximum Estimated Funds to be Raised", refers to the total property taxes sought for the specific fund.

There was no further inquiries or comments. The Town Council President closed the hearing.

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at the regular meeting of the **Town Council, Monday, October 22, 2018 at 7:00 p.m.**

It was noted that Ten (10) or more taxpayers may object to a budget, a tax rate or tax levy by filing a petition with the Office of the Clerk-Treasurer not more than seven (7) days following these hearings. (Monday, October 15, 2018) The objection petition must identify the provisions of the budget, tax rate or tax levy to which taxpayers object. If a petition is filed, the Town Council shall adopt with the budget a finding concerning the objections in the petition and the testimony presented.

A reminder was further stated regarding the adoption hearing for the Sanitary District and Waterworks District. Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinances regarding the Sanitary District and Waterworks District Budgets will be at the regular meeting of the **Town Council, Monday, October 15, 2018 at 6:30 p.m.**

Corporation General Fund:			
(departmentalized)		<i>Proposed</i>	FY 2019 <i>Adopted</i>
<i>Office of the Town Council</i>			
Personnel Services	\$	81,129	\$ -
Supplies	\$	700	\$ -
Other Services & Charges	\$	157,672	\$ -
Capital Outlays	\$	-	\$ -
Department Total:	\$	239,501	\$ -

<i>Advisory Board of Zoning Appeals</i>	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 3,359	\$ -
Supplies	\$ 200	\$ -
Other Services & Charges	\$ 19,160	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 22,719	\$ -
<i>Volunteers in Policing</i>		
Personnel Services	\$ 2,720	\$ -
Supplies	\$ 14,530	\$ -
Other Services & Charges	\$ 2,650	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 19,900	\$ -
<i>Office of the Clerk-Treasurer</i>		
Personnel Services	\$ 166,099	\$ -
Supplies	\$ 3,500	\$ -
Other Services & Charges	\$ 88,677	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 258,276	\$ -
<i>Building Inspection Department</i>		
Personnel Services	\$ 270,110	\$ -
Supplies	\$ 9,550	\$ -
Other Services & Charges	\$ 76,988	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 356,648	\$ -
<i>Fire Department</i>		
Personnel Services	\$ 263,861	\$ -
Supplies	\$ 32,075	\$ -
Other Services & Charges	\$ 108,794	\$ -
Capital Outlays	\$ 20,600	\$ -
Department Total:	\$ 425,330	\$ -
<i>Plan Commission Dept.</i>		
Personnel Services	\$ 2,842	\$ -
Supplies	\$ 325	\$ -
Other Services & Charges	\$ 68,246	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 71,413	\$ -
<i>Metropolitan Police Department</i>		
Personnel Services	\$ 4,138,069	\$ -
Supplies	\$ 140,000	\$ -
Other Services & Charges	\$ 1,236,163	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 5,514,232	\$ -

Services & Works Board Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	-	\$	-
Other Services & Charges	\$	792,958	\$	-
Capital Outlays	\$-		\$	-
Department Total:	\$	792,958	\$	-

Town Hall and Monuments Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	5,000	\$	-
Other Services & Charges	\$	39,925	\$	-
Capital Outlays	\$-		\$	-
Department Total:	\$	44,925	\$	-

PROPERTY TAX IMPACT

	\$	-	\$	-
Property Tax Caps	\$	200,000	\$	-
	\$-		\$	-
Department Total:	\$	200,000	\$	-

Fund Total: \$ 7,945,902 \$ -

Proposed (est.) Rate for the Fund \$ 0.7583 per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$ - per \$100 dollars of av

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
<i>PROPERTY TAX CAP</i>	\$ 45,000	\$ -
Personnel Services	\$ 136,316	\$ -
Supplies	\$ 5,700	\$ -
Other Services & Charges	\$ 114,467	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 301,483	\$ -

Proposed (est.) Rate for the Fund \$ 0.0424 per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$ - per \$100 dollars of av

Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 276,205	\$ -
Capital Outlays	\$ 1,960,479	\$ -
Fund Total:	\$ 2,236,684	\$ -

Proposed (est.) Rate for the Fund \$ - per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$ - per \$100 dollars of av

Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
<i>PROPERTY TAX CAPS</i>	\$ 100,000	\$ -
Personnel Services	\$ 1,175,885	\$ -
Supplies	\$ 104,400	\$ -
Other Services & Charges	\$ 1,101,633	\$ -
Capital Outlays	\$-	\$ -
Fund Total:	\$ 2,481,918	\$ -

Proposed (est.) Rate for the Fund \$ 0.1681 per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$ - per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Property Tax Caps	\$ 100	\$ -
Personnel Services	\$ 839,349	\$ -
Supplies	\$ 550	\$ -
Other Services & Charges	\$ 5,035	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 845,034	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0004	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0005	per \$100 dollars of av

Parks Dist Bond & Lease Fund (Regular)

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 725	\$ -
Debt Service	\$ 1,439,938	\$ -
Fund Total:	\$ 1,440,663	\$ -
Proposed (est.) Rate for the Fund	\$ 0.3683	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 425	\$ -
Debt Service	\$ 1,482,223	\$ -
Fund Total:	\$ 1,482,648	\$ -
Proposed (est.) Rate for the Fund	\$ 0.2982	
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Motor Vehicle Highway Fund

(departmentalized)

	<i>Proposed</i>	<i>Adopted</i>
<i>Reconstruction and Maintenance Dept.</i>		
Personnel Services	\$ 378,274	\$ -
Supplies	\$ 269,625	\$ -
Other Services & Charges	\$ 405,725	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 1,053,624	\$ -
 <i>Administration Department</i>		
Personnel Services	\$ 141,491	\$ -
Supplies	\$ 5,200	\$ -
Other Services & Charges	\$ 26,250	\$ -
Capital Outlays	\$ -	\$ -
Department Total:	\$ 172,941	\$ -
Fund Total:	\$ 1,226,565	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 86,724	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 325,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 411,724	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
PROPERTY TAX CAPS	\$ 75,000	\$ -
Supplies	\$ 7,500	\$ -
Other Services & Charges	\$ 92,000	\$ -
Capital Outlays	\$ 157,035	\$ -
Debt Service	\$ 157,508	\$ -
Fund Total:	\$ 489,043	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0883	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

The rate is fixed or capped by I.C. 36-9-15.5 et seq.

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 115,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 115,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 20,500	\$ -
Other Services & Charges	\$ 25,000	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 45,500	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$-
Supplies	\$-	\$-
Other Services & Charges	\$ 350	\$-
Debt Service	\$ 234,518	\$-
Fund Total:	\$ 234,868	\$ -
Proposed (est.) Rate for the Fund	\$ 0.0429	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$-
Supplies	\$ 3,000	\$-
Other Services & Charges	\$ 198,663	\$-
Capital Outlays	\$-	\$-
Fund Total:	\$ 201,663	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 600	\$-
Supplies	\$ 5,400	\$-
Other Services & Charges	\$-	\$-
Capital Outlays	\$-	\$-
Fund Total:	\$ 6,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$-
Supplies	\$ 5,000	\$-
Other Services & Charges	\$ 166,825	\$-
Capital Outlays	\$-	\$-
Fund Total:	\$ 171,825	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Special Events Non Reverting

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$-
Supplies	\$ 500	\$-
Other Services & Charges	\$ 90,931	\$-
Capital Outlays	\$-	\$-
Fund Total:	\$ 91,431	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Public Safety LIT Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$-
Supplies	\$-	\$-
Other Services & Charges	\$-	\$-
Capital Outlays	\$ 476,950	\$-
Fund Total:	\$ 476,950	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Economic Development LIT Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$-	\$-
Supplies	\$-	\$-
Other Services & Charges	\$ 100,000	\$-
Capital Outlays	\$ 300,000	\$-
Debt Service	\$ 200,000	\$-
Fund Total:	\$ 600,000	\$ -
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Total of All Funds:	\$ 20,804,901	\$ -
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2. **Municipal Executive Proclamation:** A Proclamation in Recognition of Downtown Development Week in the Town of Highland. The Clerk-Treasurer read aloud the enrolled proclamation. The Town Council President adopted the proclamation with his signature.

TOWN OF HIGHLAND
 PROCLAMATION OF the TOWN EXECUTIVE

A PROCLAMATION RECOGNIZING THE SECOND WEEK OF OCTOBER 2018 AS HIGHLAND DOWNTOWN DEVELOPMENT WEEK

- Whereas,** The rise of downtowns as the central retail and business district during the late 19th and 20th centuries brought great economic growth and change to Indiana cities and towns; and
- Whereas,** The decades following World War II brought a decline of the traditional downtown throughout the United States and in Indiana; and
- Whereas,** Beginning in the 1980s, the National Trust for Historic Preservation's National Main Street Center launched a successful economic approach to downtown development for three pilot communities including Madison, Indiana which continues to guide the nation's largest downtown revitalization network today; and
- Whereas,** Indiana's rural and urban downtowns continue to play a uniquely important role in the economic and social development of their communities exhibiting tremendous diversity in terms of the health of their economies, built environments, and creating a sense of place; and
- Whereas,** Successful downtown development involves committed public and private sectors, diverse community engagement and creative and dedicated local leaders all working to make Indiana downtowns a major stimulator for economic growth and talent retention; and
- Whereas,** The Indiana Office of Community and Rural Affairs is responsible for the coordination of the Indiana Main Street Program tasked with providing programs, technical assistance and services for not only the current 133 local Main Street organizations but also driving downtown development across the state of Indiana; and
- Whereas,** Eric J. Holcomb, Governor of the State of Indiana, has proclaimed the second week of October as Indiana Downtown Development Week; and
- Whereas,** Highland's Main Street Bureau was established in 2011, and operates in good standing as part of the Indiana Main Street Program; and
- Whereas,** The Mission Statement of the Highland Main Street Bureau is "...to restore, revitalize and promote the downtown district of Highland, Indiana. Using a focus on structures, attractions, business and landscape, Highland Main Street will serve as a catalyst to make the downtown district stronger and more vibrant for residents, visitors and business owners in the area..."; and
- Whereas,** The Highland Main Street Bureau wishes to recognize the importance of, and celebrate Highland's Downtown, its merchants, and promote events encouraging residents and visitors alike to enjoy our downtown district; and,

Now, Therefore, I, Mark A. Herak by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim and designate the second week in October 2018, as **Highland Downtown Development Week** in the Town of Highland;

Further, I extend appreciation to the volunteer members of the Board of Directors of the Main Street Bureau of Highland Redevelopment Department for their continued hard work to restore, revitalize and promote the downtown district of the Town of Highland;

Be it Further Proclaimed, That the citizens of Highland are hereby urged to celebrate and support the businesses and events in the downtown district and throughout the Town of Highland.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 8th day of October in the year 2018.

**TOWN of HIGHLAND, INDIANA
BY ITS TOWN COUNCIL PRESIDENT**

Mark A. Herak

Attest:

Michael W. Griffin, **Clerk-Treasurer**

Staff Reports: The following staff reports were received and filed.

- **Building & Inspection Report for September 2018**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	4	0	4	\$86,094.00	\$1,255.00
Signs:	3	0	3	\$7,067.00	\$917.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	72	72	0	\$487,676.00	\$9,678.50
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	4	4	0	\$9,240.00	\$403.00
Decks & Porches:	4	4	0	\$19,286.00	\$935.50
Fences:	8	8	0	\$25,326.00	\$918.50
Swimming Pools:	4	4	0	\$0.00	\$328.00
DrainTile/ Waterproofing:	6	6	0	\$47,040.00	\$1,054.50
Miscellaneous	3	3	0	\$10,010.00	\$329.00
TOTAL:	108	101	7	\$691,739.00	\$15,819.50
Electrical Permits	12	10	2		\$978.00
Mechanical Permits	6	6	0		\$534.00
Plumbing Permits	7	3	4		\$922.45
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	7	3	4		\$922.45

September Code Enforcement:

Investigations: 69
Citations: 02
Warnings: 69

September Inspections & Exams:

Building: 35 Electrical: 15 Plumbing: 05 HVAC: 05
Electrical Exams: 2

• **Fire Department Report for August**

Type of Call	Month	2nd half of year
General Alarms	14	38
Paid Still Alarms	35	103
Still Alarms	04	20
Total Alarms:	53	161

* For paid still alarms, responses or participation by the fire fighters, a stipend in lieu of direct compensation, shall be paid to the Highland Volunteer Fire Fighter Association in the amount of \$50 each. (Pursuant to Wage and Salary Ordinance, Section 12(G).)

• **Workplace Safety Report for September**

There were no workplace incidents to report in September. The following report was filed.

Department	Injuries this Month	Year to Date 2018	Total in 2017	Restricted Days 2018	Lost Workdays This Year (2018)	Restricted Days Last Year (2017)	Lost Workdays Last Year (2017)
Parks	0	3	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	3	6	0	0	0	365
Street	0	1	0	0	0	0	0
Water & Sewer	0	2	2	70	36	0	0
Maint.	0	1	2	0	0	0	0
Other	0	0	0	0	0	0	0
TOTALS	0	10	10	70	36	0	365

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- 1. Proposed Enactment No. 2018-38:** A Special Enactment to Lawfully Approve Certain Disability Retirement Benefits as well as Defining Status for Police Officer John Swisher, who has been Granted a Disability Retirement for Catastrophic Injuries Incurred in the Line of Duty.

Councilor Zemen introduced and moved the consideration of Enactment No. 2018-38 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2018-38 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
ENACTMENT NO. 2018-38**

A SPECIAL ENACTMENT TO LAWFULLY APPROVE CERTAIN DISABILITY RETIREMENT BENEFITS AS WELL AS DEFINING STATUS FOR POLICE OFFICER JOHN SWISHER, WHO HAS BEEN GRANTED A DISABILITY RETIREMENT FOR CATASTROPHIC INJURIES INCURRED IN THE LINE OF DUTY.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland, pursuant to IC 36-5 et sequitur;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, Police Officer First Class John Swisher, was on duty, responding to a call for service on December 10, 2016 at 12:57 a.m. heading northbound on the 9100 Block of Kennedy Avenue, Highland, when a southbound car operated by a legally intoxicated driver, crashed into him, head-on at a high rate of speed; and

WHEREAS, Police Officer First Class John Swisher, sustained catastrophic injuries, enduring several surgeries and medical interventions to repair many broken bones, experiencing protracted, extensive treatments and physical therapy from the date of the incident through the end of January 2018; and,

WHEREAS, Police Officer First Class John Swisher, has not been able to perform or return to any work including his duties as a Highland Police Officer, since the line of duty accident and attendance injuries from December 10, 2016 through the present date;

WHEREAS, The Town Council has been further advised that Police Officer First Class John Swisher applied for and received a determination from the State System Director regarding his catastrophic injuries sustained while on duty, his resulting permanent impairment, and his award of a line of duty disability pension, under IC 36-8-8 et seq.;

WHEREAS, The Town Council now desires to take the proper steps to authorize and approve lawful continued coverage under the group medical and dental insurance plans, for a limited period of time, provided under the provisions of the Compensation and Benefits Ordinance of the Town and the most recently adopted and effective wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council makes the following findings and determinations, pursuant to its authority under IC 36-1-4-16 to ratify the actions of officers *post hoc*, as well as the authority described in the preamble to this enactment:

(A) That the Highland Town Council finds and determines that Police Officer First Class John Swisher, was on duty, responding to a call for service on December 10, 2016 at 12:57 a.m. heading northbound on the 9100 Block of Kennedy Avenue, Highland, when a southbound car operated by a legally intoxicated driver, crashed into him, head-on at a high rate of speed;

(B) That the Highland Town Council further finds and determines that Police Officer First Class John Swisher, sustained catastrophic injuries, enduring several surgeries and medical interventions to repair many broken bones, experiencing protracted, extensive treatments and physical therapy from the date of the incident through the end of January 2018;

(C) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher, has not been able to perform or return to any work including his duties as a Highland Police Officer, since the line of duty accident and attendance injuries from December 10, 2016 through the present date;

(D) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher has applied for and received a determination from the State System Director regarding his catastrophic injuries sustained while on duty, his resulting permanent impairment, and his award of a line of duty disability pension, under IC 36-8-8 generally and IC 36-8-8-13.3(f) in particular and has accepted the line of duty disability pension, subject to appeal for sufficiency;

(E) That the Highland Town Council still further finds and determines that Police Officer First Class John Swisher has exhausted his sickness disability/workers compensation paid time off as provided by Section 5.01.01 and Section 6.02.02 of the Compensation and Benefits Ordinance commonly called the Employee Handbook, as well as that provided in and extended by Enactment No. 2018-32, which rendered continued compensation and benefits ending on September 22, and paid on September 28;

Section 2. That based upon the forgoing, the Town Council does hereby authorize and approve the following:

(A) That notwithstanding provisions of Section 6.07 (B), regarding the group health insurance plan for retired and separating public safety employees in the Compensation and Benefits Ordinance, Patrol Officer Swisher shall **not** be required to pay the employer's any share of the premium for the continuation of the group health or the group dental insurance benefit to the extent it's lawful;

(B) That this enactment further directs that the extension and continuation of the group medical and dental insurance benefit provided by this enactment shall conclude and cease on **December 31, 2018**, but that this extension shall be revisited by the Town Council at the end that period, unless subsequent action by the Town Council ensues;

Section 3. That the adoption of this enactment shall in no way be construed as a precedent for the subject department or any other department of the municipality, nor shall it be construed as creating an entitlement for any other workers in any other department, but rather the provisions in this enactment are specific, unique and particularly conferred for a public safety worker who has suffered and endured a unique, unusual, *profound and "catastrophic physical personal injury"* while in the line of duty;

Section 4. That authority under this enactment shall be seen as complimentary to and not in derogation of the authority of the Clerk-Treasurer under IC 36-5-6-6, and that the payments authorized under this

enactment, are hereby deemed to be a type of expense identified under IC 36-5-4-12(b)(10) & (13).

Introduced and Filed on the 8th day of October 2018. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 8th day of October 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 2. Proposed Enactment No.2018-40:** An Exigent Enactment Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Gaming Revenue Sharing Fund As Well As Rendering A Net Reduction In Approved Appropriations As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Vassar introduced and moved the consideration of Enactment No. 2018-40 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Enactment No. 2018-408 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER and REDUCTION ENACTMENT
ENACTMENT NO. 2018-40

AN EXIGENT ENACTMENT PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the GAMING REVENUE SHARING FUND as WELL as RENDERING A NET REDUCTION IN APPROVED APPROPRIATIONS AS REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Gaming Revenue Sharing Fund**;

WHEREAS, It has been further determined that it is now also necessary to reduce other appropriations from what was appropriated in the annual budget for the **Gaming Revenue Sharing Fund**; and,

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2018, however such reduction after allowing for appropriation transfers, will reduce the actual FY 2018 Budget by reducing the net approved appropriations by **\$61,629.00**, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Gaming Revenue Sharing Fund**, which are not needed at this time for the purposes for which originally

appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

GAMING REVENUE SHARING FUND

Reduce Account:		
091-0000-34308 Johnston Street Project P.E.	\$	<u>7,426.75</u>
<i>Total 300 Series Reductions:</i>	\$	7,426.75

Reduce Accounts:		
091-0000-41007 45 th & 5 th St. Int. Imp. Project P.E.	\$	190.00
091-0000-41008 Sycamore Ave Imp. Project P.E.	\$	134.56
091-0000-41011 Johnston St. Reconstruction Project	\$	<u>182,653.56</u>
<i>Total 400 Series Reductions:</i>	\$	182,978.12

Total of All Reductions: **\$190,404.87**

Increase Account:		
091-0000-34310 Wicker Park Manor Imp. Project P.E	\$	<u>18,000.00</u>
<i>Total 300 Series Increase</i>	\$	18,000.00

Increase Account:		
091-0000-41012 Wicker Park Manor Imp. Project CN	\$	<u>110,775.87</u>
<i>Total 400 Series Increase</i>	\$	110,775.87

Total of All Increases: **\$ 128,775.87**

Section 3. That for the expenses of said municipality, the *net decrease* in the appropriations transfers of money in the amount of **\$61,629.00** shall hereby remain *reduced and ordered returned and reverted to the Gaming Revenue Sharing Fund* for the purposes herein specified, subject to the laws governing the same.

Total of Fund Decreases:	\$ 190,404.87
Total of Fund Increases:	\$ 128,775.87
Net Decrease in Appropriations:	\$ 61,629.00

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be depicted in the proper documentation accompanying the filing of any additional appropriations for the **Gaming Revenue Sharing Fund** for Year 2018 Budget, pursuant to IC 6-1.1-17.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 8th day of October 2018. Consent to consider this enactment on same day or at same meeting of introduction sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Passed and Adopted this 8TH Day of October 2018, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 4 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I. C. 36-5-3-5; I. C. 36-5-4-2.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. Resolution No. 2018-39: An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Solid Waste District Grant Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2018-39. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2018-39

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SOLID WASTE DISTRICT GRANT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Solid Waste District Grant Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Solid Waste District Grant Fund**, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SOLID WASTE DISTRICT GRANT FUND

Reduce Account:	
031-0000-44000 Equipment	\$ 10,000.00
<i>Total 400 Series Reductions:</i>	\$ 10,000.00
Increase Account:	
031-0000-38001 Solid Waste Service	\$ 10,000.00
<i>Total 300 Series Increases</i>	\$ 10,000.00
Total of Fund Decreases:	\$ 10,000.00
Total of Fund Increases:	\$ 10,000.00

DULY RESOLVED and ADOPTED this 8th Day of October 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

4. Works Board Order No. 2018-33: An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Kielser's Police Supply, Inc. of Jeffersonville, IN duty weapons and accessories pursuant to I.C. 5-22.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2018-33. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland Board of Works
Order of the Works Board 2018-33

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Kielser's Police Supply, Inc. of Jeffersonville, IN duty weapons and accessories pursuant to I.C. 5-22.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and,

from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$50,000.00;

Whereas, The Metropolitan Police Chief has determined Kiesler's Police Supply, Inc. of Jeffersonville, IN to be a desirable source vendor for the purchase of (45) forty-five of the Glock duty weapons at \$439.00 and \$481.00 each minus a trade- in value of \$310.00 each for (30) thirty Glock duty weapons;

Whereas, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040(E) as well as Section 3.05.050(A)(2) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(2) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, believes that this purchase qualifies as a special purchase to be made without soliciting bids or proposals because in this instance (1) the compatibility of equipment, accessories or replacement parts is a substantial consideration in this purchase and (2) only one source meets the department's reasonable requirements, which is the source recommended for this purchase;

Whereas, The Purchasing Agent, for the rationale stated herein, elects to purchase without resort to soliciting quotes or bids pursuant to Section 3.05.065(I) of the Highland Municipal Code;

Whereas, The purchase of the Glock weapons and accessories will be supported by appropriations in the Public Safety LIT Fund and the Federal Asset Forfeiture Fund;

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from **Kieler's Police Supply, Inc, 2802 Sable Mill Road, Jeffersonville, IN** for the purchase of Glock duty weapons as set forth in a quote, which is attached as an exhibit to and made a part of this order, in the estimated amount of \$32,189.37;

Section 2. That the Works Board hereby finds and determines the following:

- (A) That Kieler's Police Supply Inc, 2802 Sable Mill Road, Jeffersonville, IN is a sole source to meet the Police Departments reasonable requirements for this purchase, and;
- (B) That for this purchase the compatibility of equipment, accessories or replacement parts is a substantial consideration; and
- (C) That for the foregoing rationale, this purchase qualifies as a special purchase pursuant to IC5-22-10 et seq, and HMC Section 3.05.065 (I);
- (D) That this purchase also qualifies as a "small purchase", since it is likely that the total purchase will cost less than \$50,000, and as such may be purchased in the open market without resorting to soliciting quotes or seeking bids, all pursuant to IC 5-22 et seq., and HMC Section 3.05.060(G)(2);

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED, ADOPTED AND ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of October 2018 having passed by a vote of 4 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

5. **Works Board Order No. 2018-34:** An Order Approving and Authorizing A Stipulation Agreement between BKO Properties, LLC and the Town of Highland In Consequence of Seeking Needed Property for Right of Way for the 45th Avenue and 5th Street Intersection Project, Stipulated as Cause No. 45D05-1706-PL-00064.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-34. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-34

AN ORDER APPROVING AND AUTHORIZING A STIPULATION AGREEMENT BETWEEN BKO PROPERTIES, LLC AND THE TOWN OF HIGHLAND IN CONSEQUENCE OF SEEKING NEEDED PROPERTY FOR RIGHT OF WAY FOR THE 45TH AVENUE AND 5TH STREET INTERSECTION PROJECT, STIPULATED AS CAUSE NO. 45D05-1706-PL-00064

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), had heretofore determined that a need exists to improve the intersection of 45th Avenue and 5th Street (Project); and

Whereas, The Town had procured a Federal-Aid Construction Funding Grant for the Project from the Indiana Department of Transportation (INDOT), programmed through the Northwest Indiana Regional Planning Commission (NIRPC); and

Whereas, First Group Engineering, Incorporated had been engaged to provide preliminary engineering services and right-of-way procurement services, which have been completed, and the project has been set for a February 2018 letting through the INDOT; and

Whereas, The Town needs to procure certain property as right of way for the project described herein;

Whereas, The Town of Highland as plaintiff initiated a cause of action with BKO Properties, LLC, to obtain certain property, owned by BKO and needed as rights of way for the project described herein;

Whereas, That an agreement has been presented that is a memorialization of the mediated settlement between the Town of Highland (plaintiff) and BKO Properties, LLC (defendant);

Whereas, The Town of Highland, through its Town Council acting as the Works Board, now desires to accept and approve the mediated settlement between the Town of Highland (plaintiff) and BKO Properties, LLC (defendant) as herein described,

Now Therefore Be it hereby ordered and resolved by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Stipulation/Agreement made in consequence of a Mediation Conference held September 25, 2018, (incorporated by reference and made a part of this Order) between BKO Properties, LLC (defendant) and the Town of Highland (plaintiff) for certain property needed for right of way associated with the 45th Avenue and 5th Street Intersection Project is hereby approved, adopted, and ratified in each and every respect, with the parcel being further described as follows:

Part of Lot 36 in Erie Subdivision No. 1 of the Industrial Center Land Company, recorded in Plat Book 26, page 36, in the Office of the Recorder of Lake County, Indiana and being that part of the grantor's land depicted on attached Right of Way Parcel Plat marked as Exhibit "B", described as follows:

Beginning at the northeast corner of said Lot 36, said point designated as "254" on said parcel plat, said corner also being the northeast corner of the grantor's land; thence South 00 degrees 01 minute 01 second East 13.00 feet along the west right of way line of 5th Street and the east line of the grantor's land; thence North 22 degrees 41 minutes 24 seconds West 2.72 feet to point "279" as designated on said parcel plat; thence North 79 degrees 51 minutes 35 seconds West 3.04 feet to point "252" as designated on said parcel plat; thence North 89 degrees 19 minutes 19 seconds West 66.98 feet to the west line of the grantor's land; thence North 00 degrees 01 minute 01 second West 10.00 feet along the west line of the grantor's land to the northwest corner thereof and the south right of way line of 45th Street; thence South 89 degrees 19 minutes 19 seconds East 71.02 feet along the south right of way line of said 45th Street and the north line of the grantor's land to the point of beginning and containing 0.016 acres, more or less.

Section 2. That the terms and charges, the settlement amount of \$35,000.00 under the agreement for are found to be reasonable and fair;

Section 3. That the President of the Town Council and such other proper officers be authorized to execute the Agreement with the proper officer's signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of October 2018 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

6. Works Board Order No. 2018-35: An Order Authorizing, Approving the Redevelopment Department's Use of Appropriations in the Economic Development Local Income Tax Fund, for Redevelopment and Economic Development Purposes.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2018-35. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2018-35**

An Order Authorizing, Approving the Redevelopment Department's Use of Appropriations in the Economic Development Local Income Tax Fund, for Redevelopment and Economic Development Purposes.

WHEREAS, THE TOWN OF HIGHLAND, has established a certain Fund, styled as the Economic Development Local Income Tax Fund, codified as Section 3.45.135 of the Highland Municipal Code;

WHEREAS, HMC Section 3.45.135 (D) outlines the several economic and redevelopment purposes for which the resources of the fund may be used, provided it is authorized and approved in a capital improvement plan, duly approved by the Town Council President and filed with the Lake County Auditor;

WHEREAS, The duly approved and filed capital improvement plan, now in force, expressly includes support for *"redevelopment efforts related to project of economic development and redevelopment in the several redevelopment and economic development areas which are in place or which may be established, including but not limited to the project known as Cardinal campus, and projects associated with the Kennedy Avenue Corridor located in the Downtown Allocation Area;"*

WHEREAS, The Town Council wishes to grant to the duly authorized purchasing agent of the Redevelopment Department, express authority to identify certain lawful expenses that may be posted to and paid by resources appropriated to the Economic Development Local Income Tax Fund;

NOW, THEREFORE, BE IT HEREBY ORDERED by the Highland Town Council, Lake County, Indiana as follows:

Section 1. That the duly authorized purchasing agent of the Redevelopment Department, is granted express authority to identify certain lawful expenses that may be posted to and paid by resources appropriated to the Economic Development Local Income Tax Fund, provided the following apply:

- (A) That such expenses would be lawful under and consistent with the purposes of the Redevelopment laws, if paid from other funds of the Redevelopment Department;
- (B) That such expenses are aligned with the most recently filed capital improvement plan in force as approved by the town council president;
- (C) That the municipal fiscal officer also indicates the expense conforms to the purposes and provisions of this order;

Section 2. That the authority granted by this order remains in effect for such period as there is an appropriation for redevelopment or economic development purposes in the Economic Development LIT Fund or until this order is repealed by action of the Town Council acting as the Works Board of the Town;

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of October 2018 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL as the Works BOARD of the
TOWN of HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

**Comments or Remarks from the Town Council:
(For the Good of the Order)**

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner who offered brief survey of matters before the Advisory Board of Zoning Appeals.

Councilor Zemen acknowledged the Redevelopment Director, who thanked the Council President for his proclamation of Downtown Development Week. The Redevelopment Director offered a survey of events in the downtown to mark the week. The Redevelopment Director further reported that the mural commissioned for the west facade of 2621 Highway was underway.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who offered a brief survey of programs in the Parks and Recreation Department.

Councilor Vassar thanked the Town Council President for his remarks at the dedication of the newly constructed Skate Park at Sheppard Park on September 29, 2019 at 1:00 p.m., particularly for their reference to the late Larry Vassar and his advocacy of such a facility.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner was absent owing to work.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reminded all of the annual Fire Department Open House on Saturday, October 2. The Fire Chief also reported that there were four members attending Fire School.

- **Councilor President Mark Herak:** *Town Executive • Chair of the Board of Police Pension Trustees • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

The Town Council President acknowledged the Public Works Director who reported on the status of the annual leaf collection service and that the current service contract with the trash hauler will be expiring and that the Board of Sanitary Commissioners would be soon beginning the process of advertising for bids for a new agreement for solid waste services.

The Town Council President acknowledged the Police Chief who thanked the Town Council for its authorization and approval of the new weapons purchase.

Comments from Visitors or Residents:

1. Dr. Ted Radziwiecki, 3316 Ridge Road, Highland, further inquired about damages he asserts that his house sustained in consequence of contractors working on the construction of the Police Station. He sought further information on the status of his claim. (Dr. Radziwiecki also raised this during comments from the floor at the plenary meeting of the Town Council of September 24, 2018.) Dr. Radziwiecki further asserted that his possible difficulty with any statute of limitations might be attributable to the delay by Bliss McKnight in responding to his claim.

Mr. Tauber noted that he and the Town Attorney could not offer any further advise as the Town of Highland was their client.

2. Scott Houldieson, 8927 Parrish Avenue, Highland, inquired about the Town Council communicating with the Little Calumet River Basin Development Commission regarding silt build up in the river along the Highland line and its licensing of the Maya Energy Project.
3. Terry Steagall, 8577 Kleinman Road, Highland, expressed concerns over the Little Calumet River Basin Development Commission, and the sufficiency of the application of resources to certain assets in its charge particularly regarding its long term and short term plans for recreational improvements along the river in Highland.

Mr. Steagall also urged the Town Council to be more transparent regarding the proposed expansion of the Lincoln Community Center.

Mr. Steagall also suggested that the Town Council adopt a resolution regarding the expectations for the recently confirmed Associate Justice of the United States Supreme Court, Brent Kavanaugh as well as a separate resolution supporting the efforts of the United Steel Workers in the ongoing negotiations with steel makers.

4. Larry Kondrat, 8115 4th Place East, Highland, urged the Town Council to resist any suggestion to adopt any resolutions as suggested and instead to assist Dr. Radziwiecki with his issue regarding damage to his house.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 25, 2018 through October 08, 2018 and the **payroll docket for September 28, 2018**. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll docket listed was ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$239,769.59; Motor Vehicle Highway and Street (MVH) Fund, \$21,614.13; Local Road and Street (LR&S) Fund, \$7,950.54; Law Enforcement Continuing Education and Equipment Fund, \$2,042.61; Capital Projects Retainage Agency Fund, \$120,883.32; Flexible Spending Agency (FSA) Fund, \$949.22; Insurance Premium Fund, \$158,341.59; Information Communications Technology Fund, \$7,929.22; Special Events Non Reverting Fund, \$2,500.00; Police Pension Fund, \$67,931.48; Municipal Cumulative Capital Development Fund, \$15,350.00; Traffic

Violations and Law Enforcement Agency Fund, \$4,000.00; Municipal Cumulative Street Fund, \$2,603.00; and, Public Safety Local Income Tax Fund, \$58,775.00; Total: \$710,639.70.

Payroll Docket for payday of September 28, 2018:

Council, Boards and Commissions, \$10,457.00; Office of Clerk-Treasurer, \$14,802.57; Building and Inspection Department, \$9,666.74; Metropolitan Police Department, \$137,382.68; Fire Department, \$3,829.93; Public Works Department (Agency), \$65,067.67; and Police Pensions, \$67,795.63. Total Payroll: \$309,002.22.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, October 08, 2018 was adjourned at 7:50 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer